



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/601444

CHANG

E

2444 101

STEPHEN A SAXE
ROTHWELL FIGG ERNST & MANBECK
555 13TH STREET NW
WASHINGTON, DC 20004

INTERNATIONAL APPLICATION NO.

PCT/US98/24657

I.A. FILING DATE

PRIORITY DATE

19 NOV 98

19 NOV 97

DATE MAILED: 04 DEC 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____.

☒ Information Disclosure Statement(s) filed 02 AUG 2000 and _____.

☒ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☒ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Winston M. Alvarado

Telephone: 703-305-6421

09/601444

FEE TRANSMITTAL for FY 2001 (Small Entity)		Complete if Known	
		Application Number	09/601,444
		Filing Date	August 2, 2000
		First Named Inventor	Esther H. CHANG et al.
		Examiner Name	
		Group Art Unit	
Total Amount of Payment	(\$65.00)	Attorney Docket Number	2444-101

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
2. ☒ Payment Enclosed:
☒ Check
☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
201	355	Utility filing fee	[]
206	160	Design Filing Fee	[]
207	245	Plant Filing Fee	[]
208	355	Reissue Filing Fee	[]
214	75	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Extra Claims	Fee	Fee Paid
[] - 20** = [] x		\$ 9 = []	
Independent Claims [] - 3** = [] x		40 = []	
Multiple Dependent Claims +		135 = []	

**or number previously paid, if greater;

SUBTOTAL \$

Repln. Ref: 01/05/2001 UEDUVIJE 0014181200
 DA#: 022135 Name/Number: 09601444
 FC: 704 \$65.00 CR

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[65.00]
227	25	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
215	55	Extension for reply within first month	[]
216	195	Extension for reply within second month	[]
217	445	Extension for reply within third month	[]
218	695	Extension for reply within fourth month	[]
228	945	Extension for reply within fifth month	[]
219	155	Notice of Appeal	[]
220	155	Filing a brief in support of an appeal	[]
221	135	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
240	55	Petition to revive -unavoidable	[]
241	640	Petition to revive - unintentional	[]
242	620	Utility issue fee (or reissue)	[]
243	220	Design issue fee	[]
244	300	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
246	355	Filing a submission after final rejection (37 CFR .129(a))	[]
249	355	For each additional invention to be examined (37 CFR 1.129(b))	[]
279	355	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing an application for patent term adjustment	[]
090	400	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$65.00

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Bart G. Newland, Reg. No. 31,282		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
<i>Bart G Newland</i>	<i>Jan 4, 2001</i>		

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

2444-101

U.S. Application No. (if known, see 37 CFR 1.5)

09/601,444

INTERNATIONAL APPLICATION NO.
PCT/US98/24657

INTERNATIONAL FILING DATE
19 November 1998

PRIORITY DATE CLAIMED
Nov. 19, 1997/Apr. 27, 1998

TITLE OF INVENTION

TARGETED LIPOSOME GENE DELIVERY

APPLICANT(S) FOR DO/EO/US

Esther H. CHANG et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11. TO 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Form PCT/DO/EO/905

U.S. APPLICATION NO. (If known, see 37 CFR 1.50) 09/601,444		INTERNATIONAL APPLICATION NO. PCT/US98/24657		ATTORNEY DOCKET NO. 2444-101	
17. [X] The following fees are submitted: Basic National Fee (37 CFR 1.492)(a)(1)-(5): Search Report has been prepared by the EPO or JPO \$ 860.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$ 690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$ 710.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 1,000.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				CALCULATIONS	PTO USE ONLY
				\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
Claims	Number Filed	Number Extra	Rate		
Total Claims	-20 =		X \$18.00	\$	
Independent Claims	- 3 =		X \$80.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 65.00	
SUBTOTAL =				\$ 65.00	
Processing fee of \$130.00 for furnishing the English translation later [] 20 [] 30 than months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$ 65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	
TOTAL FEES ENCLOSED =				\$ 65.00	
				Amount to be refunded	\$
				charged	\$
a.	[X]	A check in the amount of \$ 65.00 to cover the above fees is enclosed.			
b.	[]	Please charge my Deposit Account No. 02-2135 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.			
c.	[X]	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.			
d.	[]	Payment by credit card. (Form PTO-2038 enclosed.)			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Bart G. Newland Rothwell, Figg, Ernst & Manbeck 555 13th St., N.W. Washington, D.C. 20004 Phone: 202/783-6040					
				 _____ Signature Bart G. Newland _____ Name 31,282 _____ Registration Number	